REMARKS

Claims 1-41 are pending in the present application. In the Office Action mailed June 28, 2004, claims 9-13 and 18-22 were withdrawn from further consideration pursuant to 37 CFR 1.142(b). The Examiner rejected claims 1-2 and 4-6 under 35 U.S.C. §102(b) as being anticipated by Soares (USP 6,293,305). The Examiner next rejected claims 3 and 8 under 35 U.S.C. §103(a) as being unpatentable over Soares. Claims 14 and 16-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Warner et al. (USP 5,456,286) in view of Stitz et al. (6,105,724). Claim 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over Warner et al. in view of Stitz et al. and further in view of Little et al. (USP 5,497,852). Applicant appreciates the indication of allowability of claim 7.

The Examiner rejected claims 1-2 and 4-6 under 35 U.S.C. §102(b) as being anticipated by Soares, stating that "Soares shows a manifold 20 which, *when considered without the steam trap 10*, includes inlet 21 and associated outlets 22 and 26, and inlet 23 with associated outlets 24 and 25. These can be characterized as main or auxiliary ports as one sees fit." The Examiner's application of Soares "without the steam trap 10" is improper. As is generally recognized and accepted, 35 U.S.C. 102(b) does not permit rejections based upon modification of references. MPEP §706.02 states that "in a rejection based on 35 U.S.C. 103, the reference teachings must somehow be modified in order to meet the claims", but that 35 U.S.C. §102 requires that a reference "teach every aspect of the claimed invention." Furthermore, in rejections under §102(b), "[t]he elements [of a reference] must be arranged as required by the claim." *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Soares clearly teaches only a manifold in combination with a steam trap. That is, a steam trap is disposed in the fluid path between the "outlet port" of the first communication system and the "inlet port" of the second communication system. Thus, modifying Soares to remove the steam trap 10 is improper under §102(b).

Nevertheless, Applicant has amended claim 1 to more clearly define the invention. Claim 1 now calls for the first and second auxiliary ports connected to the first

and second fluid communication systems to be in "unrestrictable flow communication" with the first and second main flows of fluid. The manifold of Soares includes four valves 3-6, which are constructed "to selectively allow and block...fluid communication." See col. 2, lns 52-53. As such, regardless of which outlet ports of Soares are "characterized as...auxiliary ports as one sees fit," the outlet ports are not in unrestrictable flow communication with a main flow of fluid since they are constructed to be selectively restricted by at least one of the valves 3-6. Hence, that which is called for in claim 1 is not shown or disclosed in Soares. Therefore, Applicant believes that claim 1 and those claims that depend therefrom are patentably distinct over the art of record.

The Examiner next rejected claims 14 and 16-17 under §103(a) as being unpatentable over Warner et al. in view of Stitz et al., stating that Warner et al. teaches a manifold with first and second inlets, first and second outlets, and two auxiliary ports communicating with the second flow passage. The Examiner acknowledged that "Warner et al do (sic) not teach an auxiliary port communicating with the first passage...." The Examiner stated that Stitz et al. shows a "lubrication system with a pressure sensor," and that "[t]he Stitz et al. specification appears to be somewhat confused, but there is a clear disclosure of the feature." The specification of Stitz et al. does not appear confusing to Applicant in that it simply does not teach the interpretation that the Examiner asserts. That is, the combination of Warner et al. with Stitz et al. does not yield that which is called for in claim 14.

Regarding the "lubrication system" of Stitz et al., the Examiner stated that the "pressure sensor 27, see figure 8a, connected to the pump...provides high and low pressure control for the pump," and that "[i]t would have been obvious for one of ordinary skill in the art at the time the invention was made to have used such a pump and pressure control thereof in the system of Warner et al. to provide the lubricant flow." The Examiner also stated that "[i]t would have further been obvious to dispose the sensor in the manifold of Warner et al as at channel 90 since the other sensors are disposed on it...." Thus, the Examiner's combination includes the lubrication system of Stitz et al. connected to the manifold of Warner et al. to provide fluid flow therein.

Such an interpretation combines the manifold of Warner et al. having a pressure gauge 40 with the lubrication system of Stitz et al having a pressure sensing device 27. MPEP §2143 states that "[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious." One of ordinary skill in the art would not find it obvious to include two pressure sensing devices in the same manifold system. Furthermore, the Examiner has not provided any reasoning to substantiate why it would be desirable to have two pressure sensing devices in the same manifold system.

As mentioned above, the Examiner acknowledged that the pressure sensor of Stitz et al. provides "pressure control." However if Stitz et al. was combined with Warner et al., the method of setting and controlling the pressure and flow detailed in Warner et al. would become useless and/or redundant. Warner et al., col. 3, ln. 66 to col. 4, ln. 25. Warner et al. teaches that a flow control valve is located at the first end of a manifold and a pressure control valve is located at the second end of the manifold. *Id.* The description of setting the barrier fluid pressure and temperature clearly suggests that an additional pressure sensor at 90 would provide no added use and would confuse the pressure control process. *Id.* At a minimum, it is not obvious to combine references to provide a redundant means of controlling pressure in a manifold. The proposed modification contravenes MPEP §2143 by changing the principle of operation of Warner et al. Specifically, the control valves on opposite ends of the manifold and the method of adjusting the pressure and temperature of a barrier fluid via those valves (i.e. the majority of what Warner et al. describes) would be supplanted by a system of pressure control via a pressure sensor. Warner et al., col. 2, ln. 67 to col. 4, ln. 25.

The Examiner next stated that "[i]t would have further been obvious to dispose the sensor in the manifold of Warner et al. as at channel 90." However, (1) as argued above it is not obvious to connect the lubrication system of Stitz et al. in any manner to the manifold of Warner et al., (2) the Examiner provided no valid reasoning as to why it would be obvious to dispose the sensor at channel 90 as distinguished from any other part of the manifold, and (3) even if the references were to be combined, Stitz et al. teaches

that the sensor be located outside and not directly connected to the apparatus being provided with lubricant. *See* Fig. 8a.

Even assuming arguendo that some valid motivation was found to combine Stitz et al. and Warner et al., the Examiner has not shown why it would be obvious to dispose the pressure sensor of Stitz et al. at channel 90 of Warner et al. The only rationale proffered by the Examiner as to why the sensor should be located at channel 90 is that "the other sensors are disposed on it." As shown in Fig. 2 of Warner et al., there are no "other sensors" disposed at channel 90. Nowhere in the specification of Warner et al. is there any mention of sensors being disposed anywhere but connected to the second fluid passage at 38 and 40. Additionally, the Examiner has not offered any reasoning why it would be obvious to connect a sensor to the first fluid passage thereby contradicting the scheme in Warner et al. of connecting sensors to the second fluid passage.

Furthermore, in accordance with the teaching of Stitz et al., the "lubricant system" disclosed therein should be connected to the main inlet 20 of the manifold of Warner et al. to provide a fluid flow. Such a construction disposes the pressure sensor 27 of Stitz et al. outside and unconnected from the manifold. The fluid supply line 4 of Stitz et al. provides lubricant to the main fluid inlet 23 of the antifriction bearing housing 1. Col. 22, lns. 15-18, 33-36. Thus, to "provide the lubricant flow" to the manifold of Warner et al., the lubrication system of Stitz et al. would necessarily have to be connected at the main inlet 20 of Warner et al. so that the lubricant flow could properly enter the manifold. Since Stitz et al. shows the pressure sensor 27 connected to supply line 4, the combination of Warner et al. and Stitz et al. teaches a pressure sensor 27 connected to the supply line providing fluid flow to main inlet 20 of Warner et al. As such, the pressure sensor is not connected directly to the manifold. Not only does the combination not teach or suggest that which is called for in claim 14, but the Examiner has not provided any valid rationale to suggest why a person of ordinary skill in the art would be motivated to disconnect the pressure sensor from the rest of the lubrication system of Stitz et al. and dispose the pressure sensor at channel 90 of Warner et al.

Therefore, at least for the reasons provided above, Applicant believes claim 14 and those claims that depend therefrom are patentably distinct from the art of record.

Applicant respectfully requests entry and consideration of new claims 23-41 presented herein. Applicant also directs the cancellation of claims 9-13 and 18-22. New claim 23 is the combined subject matter of original claim 1 and the subject matter of previously indicated allowable claim 7. Applicant believes new claims 23-41 further define the present invention over the art of record.

Therefore, in light of foregoing, Applicant believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-8, 14-17, and 23-41.

A credit card authorization in the amount of $334.00 is also enclosed for fees associated with entering the claims newly presented herein.

Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,

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